



General Assembly

February Session, 2016

Raised Bill No. 367

LCO No. 2128



Referred to Committee on INSURANCE AND REAL ESTATE

Introduced by:
(INS)

***AN ACT CONCERNING SEVERE MENTAL AND EMOTIONAL
IMPAIRMENT AND WORKERS' COMPENSATION COVERAGE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (16) of section 31-275 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (16) (A) "Personal injury" or "injury" includes, in addition to
5 accidental injury that may be definitely located as to the time when
6 and the place where the accident occurred, an injury to an employee
7 that is causally connected with the employee's employment and is the
8 direct result of repetitive trauma or repetitive acts incident to such
9 employment, and occupational disease.

10 (B) "Personal injury" or "injury" shall not be construed to include:

11 (i) An injury to an employee that results from the employee's
12 voluntary participation in any activity the major purpose of which is
13 social or recreational, including, but not limited to, athletic events,

14 parties and picnics, whether or not the employer pays some or all of
15 the cost of such activity;

16 (ii) A mental or emotional impairment, unless such impairment (I)
17 arises from a physical injury or occupational disease, (II) in the case of
18 a police officer, arises from such police officer's use of deadly force or
19 subjection to deadly force in the line of duty, regardless of whether
20 such police officer is physically injured, provided such police officer is
21 the subject of an attempt by another person to cause such police officer
22 serious physical injury or death through the use of deadly force, and
23 such police officer reasonably believes such police officer to be the
24 subject of such an attempt, [or] (III) in the case of a firefighter, is
25 diagnosed as post-traumatic stress disorder by a licensed and board
26 certified mental health professional, determined by such professional
27 to be originating from the firefighter witnessing the death of another
28 firefighter while engaged in the line of duty and not subject to any
29 other exclusion in this section, or (IV) in the case of any police officer,
30 is diagnosed by a psychiatrist licensed pursuant to chapter 370 or a
31 psychologist licensed pursuant to chapter 383, and determined by such
32 psychiatrist or psychologist to be originating from the police officer
33 visually witnessing the death, or visually witnessing the immediate
34 aftermath of such death, of one or more human beings, whose death
35 was caused by an act of another human being, and which is not the
36 result of some natural cause, provided such death is not the result of a
37 motor vehicle collision and the visual witnessing of such death, or the
38 visual witnessing of the aftermath of such death, was causally
39 connected with the police officer's employment. As used in this clause,
40 "police officer" means a member of the Division of State Police within
41 the Department of Emergency Services and Public Protection, an
42 organized [local] police department or a municipal constabulary,
43 "firefighter" means a uniformed member of a [municipal] paid or
44 volunteer fire department, [and] "in the line of duty" means any action
45 that a police officer or firefighter is obligated or authorized by law,
46 rule, regulation or written condition of employment service to

47 perform, or for which the police officer or firefighter is compensated
 48 by the public entity such officer serves, and "immediate aftermath"
 49 means the scene at which such death occurred for a period of time not
 50 to exceed six hours after such scene is secured by law enforcement
 51 officers;

52 (iii) A mental or emotional impairment that results from a personnel
 53 action, including, but not limited to, a transfer, promotion, demotion
 54 or termination; or

55 (iv) Notwithstanding the provisions of subparagraph (B)(i) of this
 56 subdivision, "personal injury" or "injury" includes injuries to
 57 employees of local or regional boards of education resulting from
 58 participation in a school-sponsored activity but does not include any
 59 injury incurred while going to or from such activity. As used in this
 60 clause, "school-sponsored activity" means any activity sponsored,
 61 recognized or authorized by a board of education and includes
 62 activities conducted on or off school property and "participation"
 63 means acting as a chaperone, advisor, supervisor or instructor at the
 64 request of an administrator with supervisory authority over the
 65 employee.

66 Sec. 2. Section 31-294h of the general statutes is repealed. (*Effective*
 67 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	31-275(16)
Sec. 2	<i>from passage</i>	Repealer section

Statement of Purpose:

To expand workers' compensation coverage to police officers suffering from a severe mental or emotional impairment as a direct result of visually witnessing the death, or visually witnessing the immediate aftermath of such death, of one or more human beings whose death was caused by an act of another human being.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]